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Note by the Secretary-General

The Secretary-General has the honour to transmit herewith to the Security Council the preliminary understanding between the Government of the Syrian Arab Republic and the United Nations, and its annex, concluded on 19 April 2012 in Damascus, concerning the working arrangements of the United Nations military observers in the Syrian Arab Republic.

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Please recycle

Preliminary understanding

United Nations supervision mechanism

Syrian Arab Republic

19 April 2012

Introduction

1. The Security Council, in its resolution 2042 (2012), reaffirms its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic, and to the principles of the Charter.

2. This agreement is intended to provide a basis for a protocol governing the advance team and, upon its deployment, the United Nations supervision mechanism to monitor and support a cessation of armed violence in all its forms by all parties and the implementation of the Special Envoy's six-point plan (endorsed by the Security Council in resolution 2042 (2012)). This agreement identifies issues, responsibilities and procedures that are required for the advance team and the effective deployment of a United Nations supervision mechanism, once mandated by the Council.

3. This agreement is subject to any relevant Security Council resolutions and without prejudice to the model status of mission agreement and to the agreement to be concluded with the Government concerning the status of the United Nations supervision mechanism in the territory of the Syrian Arab Republic. It is understood that pending the conclusion of the latter agreement, the model status of mission agreement shall apply.

A. Basic assumptions

4. Based on the six-point plan of the Special Envoy and the exchange of letters between the Special Envoy and the Syrian authorities it is assumed that:

5. As at 10 April 2012 the Government of the Syrian Arab Republic had implemented:

(a) The cessation of troop movements towards population centres;

(b) The end of the use of heavy weapons in population centres;

(c) The beginning of the pullback of military concentrations in and around population centres.

B. Tasks and responsibilities of the parties

B1. Tasks and responsibilities of the Syrian Government

6. As of 12 April 2012:

(a) Cease armed violence in all its forms;

(b) Complete the pullback of all Syrian Army military concentrations and their heavy weapons from inside and around population centres and return them to their barracks or their places of temporary deployment;

(c) Other responsibilities derived from the six-point plan in line with the mandate;

(d) Any other tasks/activities agreed by the Chief Military Observer with the parties.

7. The Government of the Syrian Arab Republic ensures the following:

(a) The maintenance of security and law and order through the use of its police and law enforcement agencies, in a manner consistent with international humanitarian and human rights law;

(b) The safety and security of all United Nations military observers, staff officers, United Nations international and national staff and United Nations premises, properties and infrastructures, when and where required by the Chief Military Observer without prejudice to the freedom of movement as all personnel of the advance team and, upon its deployment, the United Nations supervision mechanism;

(c) The full and unimpeded access of humanitarian personnel to all populations in need of assistance in accordance with the guidelines established in General Assembly resolution 46/182.

8. The issue of the use of air assets by the United Nations supervision mechanism may be discussed and agreed at a later date.

9. The Government of the Syrian Arab Republic allows unhindered access of United Nations personnel to any facility, location, individual or group considered of interest by the advance team and, upon its deployment, the United Nations supervision mechanism, in accordance with their tasks and in keeping with their mandates.

10. The Government of the Syrian Arab Republic facilitates the granting of visas upon arrival and expedites the issuance of cross-border documents to allow the entry of United Nations personnel and equipment whose names and nature will be communicated to the Syrian authorities. The Government of the Syrian Arab Republic, in conformity with Syrian law, also allows the timely entry of all monitoring, security, communications and protective equipment required by the United Nations military observers to implement their mandated tasks, as defined by the Chief Military Observer, such as:

(a) Armoured vehicles;

(b) Personal protective gear (helmets and fragmentation vests);

(c) Navigation systems;

(d) Information technology and communications equipment as needed for the mandate;

(e) First aid kit.

11. Syrian Army operational requirements:

(a) Complete the pullback of Syrian Army concentrations and heavy weapons from inside and around population centres;

(b) Refrain from operational deployments and movements towards, inside and around population centres;

(c) Cease armed violence in all its forms;

(d) Withdraw all Syrian Army concentrations and their heavy weapons from inside and around population centres and return them to their barracks or temporary deployment places;

(e) Any other tasks/activities agreed with the parties.

12. The Syrian Armed Forces may continue to maintain the security of strategic assets and installations, e.g., ports, airports, highways, refineries, etc.

B2. Tasks and responsibilities to be confirmed by the Special Envoy with and in respect of the armed opposition groups and relevant elements

13. As of 12 April 2012:

(a) A complete halt to the fighting and a sustained cessation of armed violence in all its forms;

(b) Other responsibilities derived from the six-point plan;

(c) Any other tasks/activities agreed by the Chief Military Observer with the parties.

14. Armed opposition groups and relevant elements should ensure the following:

(a) No threat to the security of all United Nations military observers, staff officers, United Nations international and national staff and United Nations premises, properties and infrastructures while in areas where armed opposition groups and relevant elements are present, when and where required by the Chief Military Observer, without prejudice to the freedom of movement of all personnel of the advance team and, upon its deployment, the United Nations supervision mechanism;

(b) Freedom of movement within all areas where armed opposition groups and relevant elements are present;

(c) The full and unimpeded access of humanitarian personnel to all populations in need of assistance.

15. Armed opposition groups and relevant elements should allow unhindered access of United Nations personnel to any facility, locations, individual or group considered of interest by the advance team and, upon its deployment, the United Nations supervision mechanism.

16. Armed opposition groups and relevant elements operational requirements:

(a) Cease all acts of aggression against Syrian Army formations, bases, convoys and infrastructure;

(b) Cease all acts of aggression against Government agencies, buildings, infrastructure as well as private and public properties, and not hinder the resumption of public services;

(c) Commit to stop all illegal activities according to Syrian law, including assassinations, kidnapping or vandalism; and to return all public and private property, stolen through violence, to its rightful owners;

(d) Refrain from training, rearming, regrouping or reorganizing military formations;

(e) Cease public and private displays of weapons;

(f) Commit, in accordance with Syrian law, not to conduct or initiate activities such as establishing checkpoints, conducting patrols or policing activities;

(g) Allow the safe return of all affected people to their places of residence.

C. United Nations supervision mechanism

17. Upon deployment of a Security Council-mandated supervision mission to the territory of the Syrian Arab Republic, the mission will monitor and support a cessation of violence in all its forms by all parties and the implementation of the Special Envoy's six-point plan. The United Nations supervision mechanism will carry out its activities in accordance with the mandate established by the Council and, where appropriate, the United Nations supervision mechanism will coordinate with the Syrian authorities.

18. Without prejudice to the model status of mission agreement and to the agreement to be concluded with the Government concerning the status of the United Nations supervision mechanism in the territory of the Syrian Arab Republic, the parties shall respect the advance team and the United Nations supervision mechanism's right to:

(a) Conduct its mandated activities;

(b) Observe, establish and assess facts and conditions on the ground in an independent and impartial manner;

(c) Liaise and engage with all relevant parties;

(d) Move freely throughout the country, in accordance with the mandate, with the exception of the occupied Golan;

(e) Operate free from intimidation or harassment or threat to their safety and security and to the inviolability of United Nations premises and facilities;

(f) Interact freely and confidentially with any individual, group of individuals, body or institution in the Syrian Arab Republic without threat of harassment or reprisal against them;

(g) Secure unobstructed communications between United Nations elements as well as with United Nations Headquarters.

19. As a practical matter, the United Nations supervision mechanism will be organized in central and regional headquarters team sites deployed throughout the country. It will have support services and enablers to allow its operations.

D. Obligations of the personnel of the United Nations supervision mechanism

20. In addition to the rights, facilities, privileges and immunities mentioned in the model status of mission agreement and in the agreement to be concluded with the Government concerning the status of the United Nations supervision mechanism in the territory of the Syrian Arab Republic, the advance team, the United Nations supervision mechanism and their personnel shall enjoy the privileges and immunities specified in the Convention on the Privileges and Immunities of the United Nations. In particular, the United Nations military observers shall enjoy the status of experts on mission within the meaning of article VI of the Convention.

21. United Nations military observers will, within the framework of the Security Council mandate, also have the following operational freedoms, with, where appropriate, notification/coordination with the Syrian Government:

(a) Freedom of movement/action to conduct their tasks in support of the mandate;

(b) Freedom to conduct any type of mandated operation at any time, by foot or by car;

(c) Freedom to transport and conduct the medical evacuation of United Nations personnel;

(d) Freedom to take pictures of military units and military equipment for the purpose of investigating violations;

(e) Freedom to park and/or stay in the vicinity of military positions of the Syrian Government and places of the armed opposition in accordance with the mandate;

(f) Freedom to use technical equipment to monitor the compliance with the ceasefire, the six-point plan, the preliminary understanding and any subsequent agreements (Global Positioning System (GPS), communications, photography);

(g) Freedom to install temporary observation posts inside population centres;

(h) Freedom to monitor convoys of military vehicles approaching population centres;

(i) Freedom to access detention centres and medical centres in coordination with the International Committee of the Red Cross and the Syrian Arab Red Crescent in the context of the implementation of mandated tasks;

(j) Freedom to investigate any potential violation.

22. Any action from any party preventing the advance team or the United Nations supervision mechanism from implementing mandated tasks is a violation.

E. Liaison coordination and resolution of disputes

23. Weekly or as needed liaison forums in each team site shall be convened, involving team United Nations military observers, local government representatives, local opposition leaders and/or activists and other representatives of civil society in order to clarify issues of concern.

24. The Chief Military Observer shall conduct regular meetings with senior Syrian Government interlocutors and opposition figures.

F. Coordination and notification procedures

25. In general, specific modalities for coordination and notification will be worked out by the Chief Military Observer in consultation with all parties. Should agreement not be reached within a reasonable time, the Chief Military Observer will issue a temporary ruling which will stay in effect until an agreement has been reached.

26. The Chief Military Observer, in coordination with the Syrian Government authorities and armed opposition groups and relevant elements, will list, within 20 days of the adoption of an agreement, all relevant geographic information specifying on United Nations maps the population centres and other locations relevant to the mandate. This map will be communicated to the Security Council.

27. The Chief Military Observer, in coordination with the Syrian Government authorities and armed opposition groups and relevant elements, will list all relevant information specifying heavy weapons/weapons systems involved in the conflict (see annex 1).

28. The Syrian Government and armed opposition groups and relevant entities will inform the United Nations supervision mechanism of activities for which they request coordination, in writing through a liaison channel. The United Nations supervision mechanism will acknowledge in writing receipt of these requests within three days maximum.

29. In the event of an alleged violation occurring, the advance team and, upon its deployment, the United Nations supervision mechanism, will investigate the circumstances surrounding the violation and notify the offending party in writing and state necessary corrective action.

30. All disputes, misunderstandings and requests for clarifications shall be brought immediately to the attention of the senior United Nations military observer deployed on the ground in the specific area. In case further consultations are required, the issue shall be brought immediately to the attention of the Chief Military Observer.

31. Subject to the relevant Security Council resolutions, and without prejudice to the model status of mission agreement and to the agreement to be concluded with the Government concerning the status of the United Nations supervision mechanism in the territory of the Syrian Arab Republic, the aim of this preliminary understanding is to form the basis of a protocol that will have annexed to it an illustrative list of violations and agreed definitions.

Annex

United Nations supervision mechanism — Syrian Arab Republic

Definition of terms

1. **Syrian Army**: are military national forces, consisting of land forces, air and air defence forces, naval forces including marines, internal security forces and additional forces comprising reserve forces, People's Army forces, and others to be established as necessary by the Government of the Syrian Arab Republic.

2. **Military barracks**: are permanent military facilities that accommodate, train or hold Syrian Army units and formations and security forces.

3. **Heavy weapons**: are all weapons operated individually or by a group/team with a calibre of above 14.5 mm. These include but are not limited to artillery pieces, tanks, mortars, rocket-propelled grenades, anti-tank weapons, and anti-aircraft weapon systems. Armoured personnel carriers will not be considered to be heavy weapons, if mounted weapons above 7.62 mm calibre are disabled.

4. **Army concentrations**: are army units or formations, beyond company level, deployed outside military barracks for tactical or operational purposes.

5. **Law enforcement units**: are units functioning under the authority of the Ministry of the Interior to maintain public law and order through policing activities. They usually carry small arms, are uniformed and may be transported in armoured personnel carriers.

6. **Police forces**: are Government forces carrying out policing activities including community policing, security patrolling and investigative tasks. Such personnel would wear uniform, be in possession of a Government-issued identification card and may carry a side or small arm.

7. **Pullback from inside and around population centres**: this means the movement of army concentrations, temporarily deployed in and around population centres, to their barracks or to temporary deployment places, at least located a minimum of 2-3 km outside the perimeter of these population centres. This does not apply to barracks that already exist within cities and towns and are considered to be the permanent location of these units or formations.

8. **Population centre**: is a geographic area in which a number of people reside within clearly defined administrative boundaries and allocations, including villages, towns and cities.